

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 441, A bill to be entitled "An Act to amend Article 7063, Revised Civil Statutes of 1925, as amended by H. B. No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as related to the payment of taxes, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, April 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 470 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

#### SIXTY-SEVENTH DAY.

(Wednesday, April 28, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called and the following Senators were present:

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
ONeal	

The following Senators were absent and excused:

Beck                      Newton

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 439, 496, on House Bills Nos. 912, 650, 1048, 389, 499, and on H. C. R. No. 33, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Leaves of Absence Granted.

Senator Newton was granted leave of absence for today, on account of illness, on motion of Senator Brownlee.

Senator Beck was granted leave of absence for today, on account of important business, on motion of Senator Shivers.

#### Senate Bill No. 497 on First Reading.

Senator Brownlee moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
ONeal	

Absent—Excused.

Beck                      Newton

The following bill was introduced, read first time and referred to the Committee on Towns and City Corporations:

By Senator Brownlee:

S. B. No. 497, A bill to be entitled "An Act amending the 'Lower Colo-

rado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature, by adding a new Section to be known as Section 14-a, to provide that nothing in Section 14 or elsewhere in said Act shall prohibit the district from acquiring property from or selling property to the City of Austin upon such terms and conditions, and entering into such contractual relations thereto, as the district and the city may mutually agree upon; and declaring an emergency."

#### Senate Resolution No. 78.

Senator Oneal offered the following resolution:

Resolved, That the Senate hold a Session at 8 o'clock Wednesday evening, April 28th, for the purpose of passing local and non-contested bills, with the agreement that if three Senators present object to consideration of the bill, the author or sponsor of the bill will not insist on a consideration of the same at that Session; provided that each Senator desiring to pass a bill or bills at that Session will give the number of same to the Calendar Clerk by 11:30 o'clock Wednesday, in order that a calendar of the bills to be considered may be in the hands of the Senators by 2 o'clock Wednesday afternoon; provided further that if a bill not on this calendar is sought to be called up, the objections of three Senators present will be sufficient to prevent further consideration of such bill.

(Signed) Senators Neal, Nelson, Westerfeld, Aikin, Oneal, Hill, Brownlee, Winfield, Isbell, Woodruff and Redditt.

The resolution was read.

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

#### Motion to Suspend Regular Order of Business.

Senator Nelson submitted the following motion in writing:

Mr. President: On account of the crowded condition of the calendar it now appears that it will be impossible to reach H. B. No. 53 in the

regular order for consideration before adjournment of this Session of the Legislature. This bill proposes the repeal of the law legalizing the certificate or pari-mutuel system of gambling in Texas, and a proposition to which a majority of this Senate subscribes, as evidenced by its vote of 20 to 8 on the Nelson amendment to H. B. No. 167 earlier in this Session. Since the majority favors this bill and it has been passed by the House of Representatives, it should be taken up and considered out of the regular order.

Therefore, I move that the regular order of business be suspended and that H. B. No. 53 be taken up for consideration at this time.

Signed: Senator NELSON.

Senator Rawlings moved the previous question on the motion of Senator Nelson and the main question was ordered.

The roll was called on the motion, and the President Pro Tempore announced it was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—15.

Aikin	Lemens
Burns	Neal
Collie	Nelson
Cotten	Oneal
Davis	Redditt
Head	Van Zandt
Hill	Woodruff
Isbell	

#### Nays—14.

Brownlee	Small
Holbrook	Spears
Moore	Stone
Pace	Sulak
Rawlings	Weinert
Roberts	Westerfeld
Shivers	Winfield

#### Absent—Excused.

Beck	Newton
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Senator Nelson raised, and submitted in writing, the following point of order:

Mr. President: I raise the following point of order:

That when the Senate convenes and a quorum is present as required by the Constitution, then that body,

by a majority vote, can do anything that is not prohibited under the Constitution of the State of Texas; that the power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the House, and within the limitations suggested of the power given under the Constitution, and cannot tie its own hands by established rules which, as a matter of power purely, it cannot at any time change and disregard by the same vote that such rule was adopted.

Therefore, even though the Senate, by a majority of a quorum present, has passed a rule requiring a two-thirds vote to take any bill up out of its regular order, still that majority can totally disregard such rule and change the same at the discretion of a majority; hence, a motion having been made to take up any bill out of its regular order having received a majority vote of the Senate with a quorum present, the bill is before the Senate.

United States vs. Ballin, 144 United States, 1, 36 L. Ed. 321;

59 Corpus Juris, Pg. 92, Sec. 67;

Taylor vs. Davis, 212 Alabama, 282;

Crawford vs. Gilchrist, 64 Florida, 41, 59 Southern, 963;

Sutherland On Statutory Construction, Pgs. 125, 126, Sec. 76;

French vs. State Senate, 146, California, 604, 80 Pac. 1031;

McDonald vs. State, 80 Wisconsin, 407;

Schweitzer vs. Territory, 5 Oklahoma, 297;

Manigault vs. Ward, 123 Federal, 707;

Cook vs. State, 26 Indiana Appeals, 278.

Citing:

Section 10, Article 3;

Section 10, Article 8;

Section 1, Article 9;

Section 8, Article 15;

Section 1, Article 17;

Section 14, Article 4;

Section 3, Article 15;

Section 2, Article 3;

Section 29, Article 3.

Signed: Senator NELSON.

The President Pro Tempore overruled the point of order.

Senator Woodruff appealed from the ruling of the Chair.

Senator Holbrook was called to the Chair pending the appeal.

Senator Woodruff then withdrew the appeal.

(President Pro Tempore in the Chair.)

**Motion to Table House Bill No. 53.**

Senator Rawlings moved that H. B. No. 53 be laid on the table.

Senator Hill as a substitute moved to table H. B. No. 53 subject to call.

Senator Van Zandt raised a point of order on consideration of the substitute motion at this time, on the ground that it is not a proper substitute for the motion to table.

The President Pro Tempore sustained the point of order.

Senator Woodruff raised a point of order on consideration, at this time, of the motion of Senator Rawlings to table on the ground that H. B. No. 53 is not now before the Senate for consideration.

The President Pro Tempore overruled the point of order.

Question recurring on the motion of Senator Rawlings, yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—14.**

Brownlee	Shivers
Holbrook	Small
Moore	Stone
Neal	Sulak
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield

**Nays—15.**

Aikin	Lemens
Burns	Nelson
Collie	Oneal
Cotten	Redditt
Davis	Spears
Head	Van Zandt
Hill	Woodruff
Isbell	

**Absent—Excused.**

Beck	Newton
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**Motion to Set House Bill No. 53 as a Special Order.**

Senator Woodruff moved that H. B. No. 53 be set as a special order

for tomorrow immediately after conclusion of the morning call on that day.

The motion was lost by the following vote:

Yeas—14.

Aikin	Isbell
Burns	Lemens
Collie	Nelson
Cotten	Oneal
Davis	Redditt
Head	Van Zandt
Hill	Woodruff

Nays—14.

Brownlee	Shivers
Holbrook	Spears
Moore	Stone
Neal	Sulak
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield

Absent.

Small

Absent—Excused.

Beck

Newton

#### Appeal From Ruling.

Senator Hill moved that H. B. No. 53 be passed to third reading.

The President Pro Tempore ruled the motion out of order at this time.

Senator Hill appealed from the ruling of the Chair.

Senator Holbrook was called to Chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

The Senate sustained the ruling of the Chair by the following vote:

Yeas—17.

Brownlee	Small
Cotten	Spears
Holbrook	Stone
Moore	Sulak
Neal	Van Zandt
Rawlings	Weinert
Redditt	Westerfeld
Roberts	Winfield
Shivers	

Nays—10.

Aikin	Hill
Burns	Isbell
Collie	Nelson
Davis	Oneal
Head	Woodruff

Present—Not Voting.

Lemens

Pace

Absent—Excused.

Beck

Newton

Reason for Vote.

My reason for voting to sustain the Chair in his ruling on the motion by the Senator from Rusk is that the motion to lay on the table H. B. No. 53 was irregular and contrary to rules heretofore adopted in the Senate and contrary to the best authority on parliamentary procedure, and therefore H. B. No. 53 was not before the Senate for its consideration and hence the Chair's declaration that said bill was not before the Senate was correct and the motion to engross said H. B. No. 53 was out of order. Two wrongs never under any circumstances made a right. Rules were made to observe and not to break.

VAN ZANDT.

#### Committee Substitute for House Joint Resolution No. 23 on Second Reading.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

C. S. for H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be known as Article VIII, Section 20, providing that ad valorem taxes shall be assessed and levied in such way as to permit the payment during the months of October, November and December of the year for which such taxes are assessed, of certain percentages of the amount that such taxes would be if paid after the expiration of the year and providing that the Legislature shall never remit any interest or penalties; providing for an election on the question of adoption or revocation and making an appropriation therefor; providing for the proclamation and publication thereof; prescribing the form of ballot.

The resolution was read second time.

Senator Woodruff moved that the resolution be tabled subject to call.

Senator Collie moved the previous question on the motion to table subject to call, and the motion for the previous question was not seconded.

Senator Hill moved the previous question on the motion to table

subject to call and the motion for the previous question was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

**Yeas—12.**

Burns	Isbell
Collie	Lemens
Cotten	Nelson
Davis	Oneal
Head	Redditt
Hill	Woodruff

**Nays—17.**

Aikin	Small
Brownlee	Spears
Holbrook	Stone
Moore	Sulak
Neal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield
Shivers	

**Absent—Excused.**

Beck	Newton
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Senator Woodruff, by permission of the Senate, withdrew the motion to table subject to call.

C. S. for H. J. R. No. 23 was then passed to third reading.

**Committee Substitute for House Joint Resolution No. 23 on Third Reading.**

Senator Aikin moved to suspend the rule requiring joint resolutions to be read on three several days and that C. S. for H. J. R. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin	Nelson
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert

Westerfeld	Woodruff
Winfield	

**Absent—Excused.**

Beck	Newton
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The President Pro Tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

**Yeas—29.**

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

**Absent—Excused.**

Beck	Newton
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**House Joint Resolution No. 2 on Passage to Third Reading.**

Senator Redditt called up from the President's table, on its passage to third reading (the resolution having been read second time on April 22, 1937, and having been tabled subject to call on that day):

H. J. R. No. 2, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 48b authorizing the Legislature to establish a system of unemployment insurance, and providing for the levying of a tax on pay rolls for such purpose; and providing for its submission to the voters as required by the Constitution, and making an appropriation therefor.

Question—'Shall the resolution be passed to third reading?

**House Bill No. 782 on Second Reading.**

On motion of Senator Shivers and by unanimous consent, the regular

order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 782, A bill to be entitled "An Act to amend Article 2746, Chapter 13, Revised Civil Statutes, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 782 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 782 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Absent—Excused.

Beck Newton

The President Pro Tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Moore
Brownlee	Neal
Burns	Nelson
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears

Stone	Westerfeld
Sulak	Winfield
Van Zandt	Woodruff
Weinert	

Absent—Excused.

Beck Newton

#### House Bill No. 654 on Final Passage.

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up on its final passage (the bill heretofore having been read third time and the vote by which it failed to pass having been reconsidered):

H. B. No. 654, A bill to be entitled "An Act providing for and authorizing 'Marketing Agreements' with respect to citrus fruits or citrus fruit; authorizing the Commissioner of Agriculture of the State of Texas to enter into 'Marketing Agreements' with producers, shippers and/or handlers thereof in interstate commerce; setting forth the imperative necessity therefor; etc., and declaring an emergency."

The President laid the bill before the Senate on its final passage.

Senator Neal offered the following amendment to the bill:

Amend H. B. No. 654, page 8, Section 19, by striking out all of Section 19 and inserting in lieu thereof the following:

"Nothing in this Act shall alter, repeal, change or modify the anti-trust laws of this State, and if any section and/or subsection of this Act is in violation of the anti-trust laws, such section and/or subsection shall fall and the anti-trust laws, both civil and criminal, shall stand and prevail over said section and/or subsection held to be in contravention of the anti-trust laws of this State."

The amendment was adopted by the following vote:

Yeas—29.

Aikin	Lemens
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Small	Weinert
Spears	Westerfeld
Stone	Winfield
Sulak	Woodruff
Van Zandt	

Absent—Excused.

Beck	Newton
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The bill was passed by the following vote:

Yeas—22.

Brownlee	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Lemens	Sulak
Neal	Van Zandt
Nelson	Weinert
Pace	Westerfeld
Rawlings	Winfield

Nays—7.

Aikin	Moore
Burns	Oneal
Collie	Woodruff
Isbell	

Absent—Excused.

Beck	Newton
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#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro  
Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 1096 by a vote of 110 yeas and 0 nays.

The House has concurred in Senate amendments to H. B. No. 145 by a vote of 112 yeas and 0 nays.

The House has passed the following bills and resolution:

H. B. No. 260, A bill to be entitled "An Act amending Article 5142A of the Revised Civil Statutes of Texas as adopted by the Forty-second Legislature, Acts, 1931, page 759, Chapter 302, paragraph 1, concerning the qualifications, duties, appointments, salaries, and removal of probation officers, and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act making it lawful for any member of a duly organized state, county or municipal peace unit of another State of the United States who enters into and continues within this State in close pursuit of a person in order to arrest him on ground that he has committed a felony in such other state, to have the same authority to arrest and hold in custody such person, as similar authorities of this State have under the same circumstances; etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 689, A bill to be entitled "An Act providing the summoning of witness in this State to testify in another state; defining certain terms and words; declaring the manner in which judge of out-of-state court may make certificate to judge of court in this State for the procurement of witness; providing the circumstances under which witness may go; etc., providing the effective date."

(With engrossed rider.)

H. B. No. 842, A bill to be entitled "An Act to amend Articles 6890 and 6898 of the Revised Statutes of Texas, so as to require every person having cattle, hogs, sheep, or goats to brand or ear-mark the same and to register such brand or ear-mark with the county clerk of the county where such cattle, hogs, sheep or goats shall be and in certain other counties, on or before January 1, 1938, and every five years thereafter, and declaring an emergency."

(With engrossed riders.)

H. B. No. 855, A bill to be entitled "An Act to conserve and promote the prosperity and welfare of the citrus industry of the State of Texas by promoting the sale of citrus fruits produced in the State of Texas through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such citrus fruits; to levy and impose an excise tax and to provide for the collection of same on all citrus fruits grown in the State of Texas; to create a citrus advertising fund; to define certain terms as used in this Act; to vest the administration of this Act in a Growers' Industry Committee and a Shippers' Marketing Committee under the supervision of the Commissioner of

Agriculture of the State of Texas; etc., and providing for an emergency."

(With engrossed riders.)

H. B. No. 881, A bill to be entitled "An Act adding a new article to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe, Hardeman, Gonzales, Wise and Eastland Counties; providing that if the freeholders of any such political subdivisions determine, at an election called for the purpose, to prevent turkeys from running at large in such counties, the provisions of Articles 6957 to 6971, inclusive, shall be applicable thereto, and declaring an emergency."

(With engrossed riders.)

H. B. No. 937, A bill to be entitled "An Act providing that if any person shall enclose or shall remove the fence from the enclosure of any part thereof of any cemetery or burial ground with the purpose or intent to use such cemetery or burial ground for any other use or purpose he shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not to exceed Two Hundred Dollars, or by imprisonment in the county jail or by both such fine and imprisonment, and declaring an emergency."

(With engrossed riders.)

H. B. No. 1016, A bill to be entitled "An Act amending Section 6 of Article 46-A of the Revised Civil Statutes of Texas, Acts 1931, Forty-second Legislature, and declaring an emergency."

(With engrossed rider.)

S. B. No. 336, A bill to be entitled "An Act to amend Section 16, Article 3902, Revised Civil Statutes 1925, as amended by Chapter 465, action of the Second Called Session, Forty-fourth Legislature."

(With amendments.)

H. B. No. 108, A bill to be entitled "An Act making it unlawful for the fraudulent taking of any cotton or cottonseed; making such an offense a felony; providing punishment therefor, and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act to amend Article 4202 of Chapter 8 of Title 69, of the Revised

Civil Statutes of 1925, of the State of Texas regulating the sales of real estate by guardians."

H. B. No. 543, A bill to be entitled "An Act to amend Article 1986 of the Revised Civil Statutes of Texas, 1925, so as to provide for the joinder of more than one plaintiff in one cause of action under the conditions set out in the terms of the Act, and providing for an emergency."

(With engrossed rider.)

H. B. No. 645, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; and providing rules for cleaning and sterilizing dishes or utensils; and prohibiting the use of cracked or broken dishes and utensils and unlaundered napkins and unprotected napkins, straws and other articles commonly used in eating and drinking; etc., and declaring an emergency."

H. B. No. 646, A bill to be entitled "An Act providing that persons, firms or corporations, who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 651, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of Texas, 1925, as amended by Section 2 of Chapter 262, Acts, Regular Session of the Forty-second Legislature, 1931, and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act providing for the beginning of the terms of certain State and District offices of the State of Texas, and declaring an emergency."

H. B. No. 669, A bill to be entitled "An Act repealing Article 726a, Chapter 3 of the Penal Code, being page 52, Chapter 29, of the General and Special Laws of the Forty-third Legislature, Third Called Session, and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said court



civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court: conforming the jurisdiction of the district and justice courts of said county to such change; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act to provide liens for services rendered by persons, firms, and corporations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned or pressed, or laundered and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales, and declaring an emergency."

H. B. No. 727, A bill to be entitled "An Act to amend Article 1055 of the Code of Criminal Procedure of Texas relating to the fees paid constables, and declaring an emergency."

H. B. No. 999, A bill to be entitled "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants which have heretofore incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 1049, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees: (a) in counties containing a population of not less than forty-eight thousand, five hundred and sixty (48,560) and not more than forty-eight thousand six hundred and sixty-five (48,665) population, (b) in counties containing a population of not less than thirty thousand, and twenty (30,020) and not more than thirty thousand, one hundred and twenty-five (30,125) population, (c) in counties containing a population of not less than ten thousand, three hundred and seventy (10,370) and not more than ten thousand, four hundred and seventy-five (10,475) population, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in

conflict therewith, and declaring an emergency."

H. B. No. 1011, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than seven thousand and eighty (7,080) and not more than seven thousand two hundred and fifty (7,250) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

S. B. No. 158, A bill to be entitled "An Act amending Article 535, R. C. S. Texas, 1925, providing shares transferable only on corporation's books; imposing a duty on officers to transfer; repealing Article 1344, R. C. S. Texas, 1925; providing that this Act shall become the law and be effective only if, as, and when the Senate Joint Resolution No. 9 of the Forty-fifth Legislature shall have been adopted as an amendment to the Constitution of Texas; providing a savings clause; declaring the policy, and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act authorizing, consenting to and granting permission to C. B. Fairchild to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

S. B. No. 474, A bill to be entitled "An Act authorizing, consenting to and granting permission to J. W. Sessions to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

H. J. R. No. 48, Proposing an amendment to Section 24, of Article III of the Constitution of the State of Texas, providing that Members of the Legislature shall receive a salary of Three Thousand (\$3,000.00) Dollars per annum, shall be subject to call at any time and shall be entitled to mileage at five cents (5c) a mile for each mile traveled coming and going from the seat of Government; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication

thereof and prescribing the form of ballot.

Respectfully submitted,  
**LOUISE SNOW PHINNEY,**  
 Chief Clerk, House of Representatives.

#### Bills Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following bills:

S. B. No. 158, "An Act amending Article 535, R. C. S. Texas, 1925; providing shares transferable only on corporation's books; imposing a duty on officers to transfer; repealing Article 1344, R. C. S. Texas, 1925; providing that this Act shall become the law and be effective only if, as, and when the Senate Joint Resolution No. 9 of the Forty-fifth Legislature shall have been adopted as an amendment to the Constitution of Texas; providing a savings clause; declaring the policy, and declaring an emergency."

S. B. No. 473, "An Act authorizing, consenting to and granting permission to C. B. Fairchild to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

S. B. No. 474, "An Act authorizing, consenting to and granting permission to J. W. Sessions to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

#### House Bill No. 51 Re-referred.

On motion of Senator Moore, H. B. No. 51 was re-referred from the Committee on Privileges and Elections to the Committee on Civil Jurisprudence.

#### House Bills and Joint Resolution on First Reading.

The following bills and joint resolution received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 713, to Committee on Civil Jurisprudence.

H. B. No. 663, to Committee on State Affairs.

H. B. No. 651, to Committee on Civil Jurisprudence.

H. B. No. 356, to Committee on Civil Jurisprudence.

H. B. No. 108, to Committee on Criminal Jurisprudence.

H. B. No. 1011, to Committee on Educational Affairs.

H. B. No. 645, to Committee on Public Health.

H. B. No. 669, to Committee on Criminal Jurisprudence.

H. B. No. 705, to Committee on Counties and County Boundaries.

H. B. No. 855, to Committee on Agricultural Affairs.

H. B. No. 646, to Committee on Public Health.

H. B. No. 999, to Committee on Towns and City Corporations.

H. B. No. 842, to Committee on Civil Jurisprudence.

H. B. No. 727, to Committee on Criminal Jurisprudence.

H. B. No. 1049, to Committee on Educational Affairs.

H. B. No. 543, to Committee on Civil Jurisprudence.

H. B. No. 1016, to Committee on Civil Jurisprudence.

H. B. No. 937, to Committee on Criminal Jurisprudence.

H. B. No. 881, to Committee on Civil Jurisprudence.

H. B. No. 689, to Committee on Civil Jurisprudence.

H. B. No. 688, to Committee on Criminal Jurisprudence.

H. B. No. 260, to Committee on Civil Jurisprudence.

H. J. R. No. 48, to Committee on Constitutional Amendments.

#### Recess.

Senator Lemens moved that the Senate recess to 2:00 o'clock p. m. today.

Senator Redditt moved that the Senate recess to 2:30 o'clock p. m. today.

The motion of Senator Redditt prevailed, and the Senate, accordingly, at 12:10 o'clock p. m. took recess to 2:30 o'clock p. m. today.

#### Afternoon Session.

The Senate met at 2:30 o'clock p. m. and was called to order by the President Pro Tempore.

#### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on H. B. Nos. 646, 645, 918, 126, and 669 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

**Messages From the House.**

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 229, A bill to be entitled "An Act to amend Article 4473 of the Revised Civil Statutes of 1925, and declaring an emergency."

(With amendments.)

S. B. No. 230, A bill to be entitled "An Act to amend Article 709 of the Penal Code of 1925, and declaring an emergency."

(With amendments.)

S. B. No. 259, A bill to be entitled "An Act providing for the apprehension, arrest and trial of one alleged to be of unsound mind by filing of information under oath before a county judge or justice of the peace and the issuance of a warrant of arrest thereon and return thereof to the county judge; providing for the setting of a time and place for the hearing of said complaint and for notice of such hearing to such person; providing for his presence and his right to counsel and to have his witnesses present at said hearing; providing for the summoning of a jury to hear and determine the special issues to be submitted in said matter; providing that if any portion

of this Act is declared unconstitutional and invalid it shall not affect the remaining parts; and declaring an emergency."

(With amendments.)

S. B. No. 284, A bill to be entitled "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

S. B. No. 289, A bill to be entitled "An Act creating a Special Road Law for Fannin County, Texas, providing that said county may fund or refund the interest-bearing time warrants outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, and in issuing and delivering said warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

S. B. No. 397, A bill to be entitled "An Act amending Chapter 2, Title 8, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, by adding thereto Article 601-A, providing that in all counties having therein a city of one hundred thousand or more population, as shown by the last preceding Federal Census, the judge of the court having jurisdiction of a capital case in which a motion for special venire has been made, shall grant or refuse such motion at his discretion and upon his refusal to grant same, require the case to be tried by the regular jurors summoned for service and such additional talesman as may be ordered in the courts of such county; etc., and declaring an emergency."

(With amendments.)

S. B. No. 472, A bill to be entitled "An Act amending Article 1645 as amended of the Revised Civil Statutes of 1925 so as to permit the

county auditor in certain counties to act as purchasing agent therein on order of the commissioners' court, fixing his compensation therefor, providing for the payment thereof, and declaring an emergency."

(With amendments.)

S. B. No. 476, A bill to be entitled "An Act amending Chapter 174, Acts Regular Session, Forty-fourth Legislature by adding thereto a new Section to be known and designated as Section 1a following Section 1 of said Act, and amending Section 3 of Chapter 174, Acts Regular Session, Forty-fourth Legislature, re-appropriating the unexpended balances of the appropriation of Three Million Dollars (\$3,000,000.00) made in said Act according to the allocation of said fund as made in Section 1 thereof and recreating the Commission of Control for Texas Centennial Celebration and prescribing the duties of said commission and amending Section 18 of Chapter 174, Acts Regular Session Forty-fourth Legislature in order to re-appropriate the unexpended balance of the One Hundred Thousand (\$100,000.00) Dollars heretofore appropriated to the use of the State Board of Control for the purpose of paying expenses for the administration of the duties imposed upon said board under the Act, and declaring an emergency."

(With amendments.)

S. J. R. No. 16, Proposing an amendment to Article III, Section 52, of the Constitution of the State of Texas by adding thereto a new Section to be known as Section 52d; providing that the Legislature may authorize by law, after a majority vote of the resident qualified electors owning taxable property therein, the adoption of a plan for the construction of paved roads and bridges or both in any county or road district of the State; providing for the levy of a tax to pay for such construction; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation, publication, and election.

(With amendments.)

S. B. No. 64, A bill to be entitled "An Act to amend Title 130 of the Revised Civil Statutes of 1925, as amended, so as to protect the claimant or beneficiary of Workmen's Compensation Insurance by simplifying the procedure in the courts and by providing a more equitable basis

for allowing attorney's fees in such cases; providing that in such cases certain facts shall be presumed unless denied under oath; and further providing that attorney's fees in such cases shall be allowed only on a basis of benefits accruing to the beneficiary or claimant; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill on First Reading.

H. B. No. 5, received from the House today was laid before the Senate, read first time and referred to the Committee on State Affairs.

#### Bills Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 1078, "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, by providing that in counties containing a population of not less than 42,100 nor more than 42,250, according to the last preceding Federal Census, and having a valuation in excess of \$20,000.00, the commissioners' court may allow the county treasurer to retain fees and commissions not exceeding \$3,600.00 per annum, and declaring an emergency."

H. B. No. 1096, "An Act creating County Wide Equalization School Districts in all counties containing a population of not less than 15,700 nor more than 32,500, according to the last preceding Federal Census and containing a valuation of more than \$75,000,000.00; providing for the vesting of the general management, supervision and control of the public schools and educational interests of such counties in the county board of school trustees; etc., and declaring an emergency."

H. B. No. 145, "An Act amending Article 3902, Revised Civil Statutes of 1925, as amended by Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature, fixing the maximum compensation to be paid deputies, assistants and clerks,

and the manner in which the same may be appointed and paid, by adding a new Section to be known as Section 4a and providing that the commissioners' court in counties having a population of sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants, may, under certain conditions, allow first assistant or chief deputy or other assistant deputies or clerks, who are heads of departments, an additional sum of Three Hundred (\$300.00) Dollars, and declaring an emergency."

**House Joint Resolution No. 2 on  
Passage to Third Reading.**

The Senate resumed consideration of pending business, same being H. J. R. No. 2, relating to establishing a system of unemployment insurance, on its passage to engrossment.

Senator Redditt offered the following amendment to the resolution:

Amend H. J. R. No. 2 by striking out all of Section 1, and substituting in lieu therefor the following:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto immediately after Section 48a, a Section to be known as Section 48b, to read as follows:

The Legislature may establish a system of unemployment insurance and provide funds therefor through a tax on payrolls, which tax may be graduated to provide an adequate system of merit rating based on stability of employment, and providing for such exemptions and classifications as the Legislature may deem proper, but no payroll tax levied on any tax payer by the State in any year shall exceed the amount allowed to said tax payer in this State as a credit on his tax under any valid system of unemployment insurance adopted by the Federal Government.

No tax other than a pay roll tax shall be levied for unemployment insurance, nor shall any appropriation be made out of any other tax funds for the support of unemployment insurance.

Any pre-existing law in this State providing for unemployment insurance is hereby in all things validated and continued in force and effect in this State until the Legisla-

ture shall otherwise enact laws on this subject.

**REDDITT,  
LEMENS.**

(Senator Holbrook in the Chair.)

The amendment was adopted.  
The resolution was passed to engrossment.

**House Joint Resolution No. 2 on  
Third Reading.**

Senator Redditt moved that the rule requiring joint resolutions to be read on three several days be suspended, and that H. J. R. No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27.**

Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Oneal	Woodruff
Pace	

**Nays—1.**

Aikin

**Absent.**

Head

**Absent—Excused.**

Beck

Newton

The Presiding Officer then laid the resolution before the Senate, on its third reading and final passage.

The resolution was read third time.

H. J. R. No. 2 was passed by the following vote:

**Yeas—24.**

Brownlee	Holbrook
Burns	Isbell
Collie	Lemens
Cotten	Moore
Davis	Neal
Hill	Nelson

Oneal	Spears
Pace	Stone
Rawlings	Sulak
Redditt	Westerfeld
Roberts	Winfield
Small	Woodruff

Nays—4.

Aikin	Van Zandt
Shivers	Weinert

Absent.

Head

Absent—Excused.

Beck	Newton
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**Senate Bill No. 397 With House Amendments.**

Senator Spears called up S. B. No. 397 from the President's table, for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—28.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Neal	Westerfeld
Nelson	Winfield
Oneal	Woodruff

Nays—1.

Moore

Absent—Excused.

Beck	Newton
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**House Bill No. 132 on Passage to Third Reading.**

Senator Oneal called up from the President's table on its passage to third reading (the bill having been read second time and tabled subject to call on April 13, 1937):

H. B. No. 132, A bill to be entitled "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, as amended by Chapter 207, page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its passage to third reading.

Senator Davis offered the following amendment to the bill:

Amend Section 1 of H. B. No. 132 by substituting a semi-colon for the period at the end thereof and adding the following:

"Provided that no such lines or systems shall, for the purposes stated in this Subsection, be extended for a distance greater than five miles from the corporate limits of such town or city, except for the purpose of serving rural communities, or rural consumers, or a rural electrification project, or for the purpose of constructing, maintaining and serving a rural electrification project of such town or city."

The amendment was adopted.

**Record of Votes.**

Senators Hill, Oneal and Aikin asked to be recorded as voting nay on the amendment.

H. B. No. 132 then was passed to third reading.

**House Bill No. 132 on Third Reading.**

Senator Oneal moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 132 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Neal
Brownlee	Nelson
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak

Van Zandt  
Weinert  
Westerfeld

Winfield  
Woodruff

Absent—Excused.

Beck

Newton

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Absent—Excused.

Beck

Newton

**Senate Joint Resolution No. 5 on  
Passage to Engrossment.**

Senator Sulak called up from the President's table, for further consideration at this time (the resolution having been read second time on April 7, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance, levying a two per cent occupation tax on persons engaged in the business of making retail sales

of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

The Presiding Officer laid the resolution before the Senate on its passage to engrossment; with amendment by Senator Sulak and substitute by Senator Small and others for the amendment pending.

Senator Small moved that the substitute (as amended) be withdrawn from further consideration by the Senate at this time.

The motion prevailed.

**Record of Vote.**

Senator Collie asked to be recorded as voting "nay" on the motion of Senator Small to withdraw the substitute.

Question then recurred—Shall the amendment of Senator Sulak be adopted?

Senator Sulak offered the following substitute for the amendment:

Strike out all below the resolving clause and insert in lieu thereof the following:

Section 1. That Section 51b of Article III of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"The Legislature shall, by general law provide for Old Age Pension or Assistance, or for Old Age Pensions and Assistance and for the payment of same not to exceed Fifteen (\$15.00) Dollars per month to actual bona fide residents of Texas who are over the age of sixty-five (65) years; and the Legislature shall have the power to provide for assistance to needy individuals who are blind over twenty-one years of age, to needy individuals who are unfit for employment due to disease, and to

needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of any state supported institution, while such inmate, shall be eligible for such Old Age Pension or Assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for Old Age Pension or Assistance and continuously for one year immediately preceding such application. Provided that no pension or assistance shall ever be paid to any person not a citizen of the United States who has entered this country after the adoption of this amendment.

"The Legislature shall have the authority to accept from the Government of the United States such financial aid for Old Age Pension or Assistance, or for Old Age Pensions and Assistance as that Government may offer not inconsistent with the restrictions hereinbefore provided.

"For the purpose of paying old age pension or assistance and to carry out the purpose of section 1 of Section 51-b of this Constitution the Legislature shall levy against all persons, companies, firms, partnerships, corporations, and unincorporated companies or associations engaged in the business of retail sales of tangible personal property, or engaged in the business of conducting places of amusement of any kind and character, a sales tax not to exceed two (2%) per centum of the gross sales so made in the retail trade and of the gross receipts of such places of amusement; provided that the tax shall not be levied as to sales of motor fuel, tobacco and tobacco products, nor as to sales of agricultural, orchard or dairy products by the actual producer, nor as to sales by organizations for the benefit of charitable religious or educational purposes; provided, further, that the tax as to gross receipts of all places of amusement shall not be levied as to the gross receipt from perform-

ances the next proceeds of which go to charitable, religious or educational purposes.

"All such sales taxes so levied and collected shall constitute a special fund or funds and shall never be diverted to any other purposes than the payment of Old Age Pension or Assistance, or for Old Age Pensions and Assistance and no greater tax shall be levied than will be sufficient to pay Fifteen (\$15.00) Dollars per month to all persons entitled to such Old Age Pension or Assistance and necessary costs of administration. All funds distributed to persons over sixty-five (65) years of age who meet the foregoing requirements shall be distributed prorata without regard to the previous standard of living of the applicant and without regard to income or other restrictions than those herein specifically provided. The Legislature shall forthwith enact laws necessary to carry into effect the provisions of this enactment, and shall set up the machinery to administer said law and shall make such appropriations out of the special fund or funds herein created as are necessary for the administration of the same. There shall never be levied in this State a sales tax on the sales herein provided to be taxed other than the one herein provided for, except on spirituous, vinous and malt liquors.

"The term 'retail sale' shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration within this State when such transfer is made by one in the ordinary course of his business and the sale is made for consumption or use, or for any purpose other than for resale, or for use in processing, manufacturing or industrial enterprises. The term "retail sale" shall not include the isolated or occasional sale or tangible personal property by a person not engaging in the retail business, nor goods or products sold by the actual producer nor if the thing sold is purchased for resale by the buyer in the ordinary course of his business, nor if it is to be used or consumed by a manufacturing, industrial or processing business in creating other goods, wares, merchandise or services for sale to the public. Conditional sales are included within this definition when in other respects such sales



meet the test of a retail sale. No political subdivision of this State shall have authority to levy and occupation tax by virtue of this amendment."

Sec. 2. That Section 9 of Article VIII of the Constitution of Texas be amended so as hereafter read as follows:

"Sec. 9. The State tax on property shall be restricted to the tax necessary to pay the public debt, to provide aid for Confederate soldiers and sailors and their widows, taxes provided for the benefit of public free schools, as well as taxes heretofore diverted, relinquished or remitted to counties which taxes shall be levied, assessed and collected annually during the period of remission or diversion at a rate not to exceed thirty-five cents on the one hundred dollars valuation sufficient to meet the purposes for which the diversions or remissions were made by law; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws."

Sec. 3. The foregoing Constitutional amendment shall be submitted to the qualified electors of the State of Texas on the fourth Monday in August 1937, at which election there shall be printed on such ballot the following words:

"For the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide old age pensions or assistance to persons over the age of sixty-five years; to needy individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

"Against the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide old age pensions or assistance to persons over the age of sixty-five years; to needy individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the State Constitution.

Sec. 4. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and the Laws of this State.

Sec. 5. The sum of Eight Thousand (\$8,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

Senator Woodruff offered the following amendment to the substitute:

Amend the substitute for the substitute to S. J. R. No. 5, by striking out Section 2, which would abolish the State ad valorem tax on property.

Senator Weinert moved to table the amendment to the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Aikin	Hill
Collie	Moore
Davis	Neal

Pace	Sulak
Rawlings	Weinert
Redditt	Westerfeld
Roberts	Winfield
Small	

Nays—11.

Brownlee	Nelson
Burns	Oneal
Cotten	Stone
Head	Van Zandt
Holbrook	Woodruff
Isbell	

Absent.

Lemens	Spears
Shivers	

Absent—Excused.

Beck	Newton
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Senator Woodruff offered the following amendment to the substitute:

Amend the substitute offered by the Senator from Fayette to S. J. R. No. 5 by striking out all of Section 3 thereof and substituting in lieu thereof the following:

"The foregoing constitutional amendment shall be submitted to the qualified electors on the Fourth Saturday in August, 1937, at which election there shall be printed on the ballot for such election, the following words:

"For the amendment to Section 51-b of Article III of the Constitution giving the legislature power to provide old age pensions or assistance to persons over the age of 65 years; to needy individuals who are blind and to needy, dependent children and to provide for the protection of the health of dependent mothers and children, including crippled children; and to authorize the levy of a sales tax to provide revenue therefor."

"Against the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide old age pensions or assistance to persons over the age of sixty-five years, to needy individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; and to authorize a Sales Tax to provide revenue therefor."

"For the amendment to Section 9 of Article VIII, of the Constitution

so as to eliminate the State ad valorem taxes on tangible property."

"Against the Amendment to Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

If it appears from the returns of said election that a majority of the votes cast are in favor of the amendment to Section 51-b of Article III of the Constitution, the same shall become a part of the State Constitution.

If it appears from the returns of said election that a majority of the votes cast are in favor of amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property, the same shall become a part of the State Constitution.

It is provided herein, that the amendment to Section 51-b, Article III of the Constitution hereinabove proposed is to be considered by and voted upon, and the votes thereon tabulated independently of, and separate from the votes for or against the proposed amendment to Section 9 of Article VIII of the Constitution and the result of the election as to the one proposed, shall in no wise affect, alter or change the result of the vote upon the other proposal herein submitted."

Yeas and nays were demanded, and the amendment to the substitute was adopted by the following vote:

Yeas—15.

Aikin	Moore
Brownlee	Nelson
Burns	Oneal
Collie	Spears
Cotten	Stone
Head	Westerfeld
Hill	Woodruff
Isbell	

Nays—12.

Davis	Roberts
Holbrook	Small
Neal	Sulak
Pace	Van Zandt
Rawlings	Weinert
Redditt	Winfield

Absent.

Lemens	Shivers
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Absent—Excused.

Beck	Newton
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Senator Stone offered the following amendment to the substitute:

Amend paragraph 2, page 2, line 5 of the pending substitute by inserting after the word "assistance" the following:

"and of replacing the State tax on property heretofore remitted by the State to Conservation Districts created by Acts of the Forty-first Legislature, or any succeeding Acts amendatory of Conservation Districts, previously created by Acts of the Forty-first Legislature.

Question—Shall the amendment to the substitute be adopted?

#### Message From the Governor.

The Secretary of the Governor was announced by the Doorkeeper and was recognized by the Presiding Officer to present the following message:

Austin, Texas, April 28, 1937.

To the Members of the Senate of the Forty-fifth Legislature:

More than two months ago by an overwhelming vote of 109-26, the House of Representatives passed H. B. No. 53, repealing the race track gambling law. It went immediately to the Senate and efforts to get an early committee hearing having failed, the repeal bill in substance was tied on as an amendment to H. B. No. 167, by McKee, on March 4th. At that time the amended bill was passed and all dilatory motions failed by a vote of 20-8, clearly reflecting the same overwhelming majority for repeal in the Senate as in the House.

Six days later, on March 10th, in response to earnest appeals for a Senate committee hearing, several Senators who had made a complete record for repeal voted to recommit the bill for further hearing. After a complete hearing, the repeal bill was voted out of the committee with a favorable recommendation that it pass. This was more than a month ago.

Since that time repeated efforts have been made to set it on special order; and, although unquestionably a majority favor bringing it up, this has failed because Senate rules require a two-thirds vote to set any bill for special hearing. This rule, in effect, gives a minority group in the Senate the power to prevent any bill being set for special order; and it is

a matter of common knowledge that a filibuster has been conducted to keep the Senate from reaching this bill. This dilatory effort on the part of those who oppose repeal is recognition of the fact that the bill would pass the Senate by a majority vote if it could be gotten up for a vote; otherwise, Senators opposing repeal would not object to it coming up.

The moral and economic questions involved in repeal of the race track gambling law are more than sufficient to demand that the bill be voted upon; but a larger principle has now become involved. Can a minority, under technical rules of the Senate, thwart the will of the Legislature and the people? And in thwarting the will of the majority on this particular question, shall this minority be permitted to imperil other worth while legislation further down the calendar?

There is room for an honest disagreement between us as to whether the race track gambling law should be repealed. There is, however, no room for argument on the proposition that the people are entitled to an affirmative, straightforward, outright vote on the question. Let records be made openly, and the people can be depended upon to render a righteous verdict.

In view of the importance of the question, in view of the added principle involved by reason of the dilatory tactics used to prevent a vote on this bill, in view of the fact that the whole legislative program has been bogged down because opponents of repeal fear a direct vote on the issue, I have no alternative other than to call a Special Session of the Legislature immediately upon the close of this Regular Session unless the State Senate actually votes to pass, or not to pass, this bill. If I am compelled to call such a Special Session, it will be on the day following this Session. No other subject will be submitted to the Legislature until repeal of the race track gambling law has been actually and fairly voted upon. Such a Special Session will cost from \$150,000.00 to \$200,000.00. I appeal to the Members of this Senate as business men, I appeal to those fair-minded Senators who may oppose repeal, to save the cost of this Special Session by voting to bring this bill up and

either pass, or not pass, it during this Regular Session.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

The message was read by the Secretary of the Senate.

#### Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1137, A bill to be entitled "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935, Section Seven (7) of Chapter 131, being Senate Bill No. 467, as shown by the Acts of said session, page 359, et seq., for the location, establishment, erection, equipment and completion of a tuberculosis sanatorium for Negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing the rules and regulations governing the expenditure thereof, and declaring an emergency."

H. B. No. 1139, A bill to be entitled "An Act to create Dallas County Levee Improvement District Number Fourteen, of Dallas County, Texas, embracing lands in the County of Dallas, Texas, and lying within the boundaries of Dallas County Levee District Number Two, etc., and declaring an emergency."

H. B. No. 1141, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two counties or portions thereof one of which counties according to the latest Federal Census had a population of not fewer than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 1142, A bill to be entitled

"An Act providing for the disposition of fees of office and setting the maximum for county officers in certain counties; providing that if any part of this Act is held unconstitutional, it shall not effect the remaining part of the Act; repealing all laws in conflict herewith and fixing the effective date of the bill, and declaring an emergency."

S. B. No. 66, A bill to be entitled "An Act to amend the second paragraph of Section 1, of Article 8309, of the Revised Civil Statutes of the State of Texas of 1925, captioned 'Employee'; enlarging the scope of its meaning, and defining the same; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 97, Granting Creed M. Click, Jr., permission to sue the State of Texas and/or the Highway Department for personal damages.

H. C. R. No. 101, Granting permission to the heirs of William F. Bickenback, deceased, to sue the State and the State Highway Department for damages to person.

H. C. R. No. 107, Granting the House permission to consider local and uncontested bills from 4:30 to 6:00 o'clock p. m., Wednesday, April 28, 1937.

H. C. R. No. 109, Authorizing the House of Representatives to consider certain House bills on Thursday night, April 29, 1937.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 107.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution, received from the House today:

H. C. R. No. 107, Authorizing House of Representatives to consider certain House bills on Wednesday, April 28, 1937.

The resolution was read.

On motion of Senator Collie and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

#### House Concurrent Resolution No. 109.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution, received from the House today:

H. C. R. No. 109, Authorizing the House of Representatives to consider certain House bills on Thursday, April 29, 1937.

The resolution was read.

On motion of Senator Collie and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

#### House Concurrent Resolutions Referred.

The following resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 97, to Committee on State Highways and Motor Traffic.

H. C. R. No. 101, to Committee on State Affairs.

#### House Bills on First Reading.

The following bills, received from the House today, were read first time and referred to appropriate committees as indicated:

H. B. No. 1137, to Committee on Finance.

H. B. No. 1139, to Committee on Mining, Irrigation, and Drainage.

H. B. No. 1141, to Committee on State Affairs.

H. B. No. 1142, to Committee on Counties and County Boundaries.

#### Recess.

On motion of Senator Pace, the Senate, at 4:25 o'clock p. m., took recess to 8:00 o'clock p. m., today.

#### Night Session.

The Senate met at 8:00 o'clock p. m. and was called to order by the President Pro Tempore.

#### Senate Joint Resolution No. 5 on Engrossment.

The Senate resumed consideration of pending business, same being S. J. R. No. 5, on its passage to engrossment, with amendment by Senator Sulak, substitute by Senator Sulak for the amendment, and amendment by Senator Stone to the substitute, pending.

On motion of Senator Aikin the resolution was tabled subject to call.

#### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on Senate Bills Nos. 487, 385 and 297, on House Bills Nos. 7, 663, 634, 1139, 392, and 1071, and on S. C. R. No. 52, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### House Bill No. 515 on Second Reading.

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 515, A bill to be entitled "An Act to prohibit the killing, capturing or taking possession of any wild fox in Lamar County for a period of five years from and after the passage of this Act; prescribing a penalty for violation, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 515 on Third Reading.

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 515 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Collie
Beck	Cotten
Brownlee	Davis
Burns	Head

Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

#### House Bill No. 1088 on Second Reading.

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1088, A bill to be entitled "An Act providing for emergency relief for Kingsland Common School District No. 29, of Llano County, Texas, to aid said district in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to said district for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

40—Jour.

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 1088 on Third Reading.

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1088 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

**House Bill No. 804 on Second Reading.**

On motion of Senator Beck and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 804, A bill to be entitled "An Act to make it unlawful to keep, impound, confine or transport game fish in live boxes or ponds, or to have in live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported and to possess, keep or place in storage more than seventy-six game fish in Harrison and Marion Counties, State of Texas: defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or donation to a charitable institution or charitable cause, of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 804 on Third Reading.**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 804 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

**House Bill No. 518 on Second Reading.**

On motion of Senator Burns, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 518, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter a new Article to be known as 'Article 6711-A', providing that upon application of ten (10) or more resident citizens of the County of Trinity, or one person living within an enclosure of two thousand (2,000) acres or more in said County, the Commissioners' Court of said County shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes or bays in the County of Trinity; providing for notice and hearing on said application; . . . etc., and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 518 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 518 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

**Senate Bill No. 472 With House Amendments.**

Senator Van Zandt called up Senate Bill No. 472 from the President's table for consideration of the House Amendments to the bill.

The President Pro Tempore laid the bill before the Senate and the House amendments were read.

Senator Van Zandt moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly the President Pro Tempore appointed the following free conference committee on the part of the Senate:

Senators Van Zandt, Isbell, Westerfeld, Shivers and Cotten.

**House Bill No. 1048 on Second Reading.**

On motion of Senator Collie, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1048. A bill to be entitled "An Act granting the Commissioners' Court of Taylor County permission to pay out of the general fund of said county bounties for the destruction of rabbits and ravens, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1048 on Third Reading.**

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1048 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff



## Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

## Absent—Excused.

Nelson

**House Bill No. 1005 on Second Reading.**

On motion of Senator Cotten, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1005, A bill to be entitled "An Act amending Title 25 of Article 911b, Section 6, paragraph (d) of Vernon's Annotated Texas Statutes by providing that the Railroad Commission of Texas may issue special permits to transport used office furniture and equipment for hire by motor vehicles, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1005 on Third Reading.**

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1005 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage. The bill was read third time and was passed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Absent—Excused.

Newton

**Senate Bill No. 309 on Second Reading.**

On motion of Senator Davis, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 309, A bill to be entitled "An Act amending S. B. No. 355, Chapter 338, Regular Session, Acts of the Forty-fourth Legislature, creating the Central Colorado River Authority, vesting the powers of the district in a board of nine directors and prescribing the manner of their appointment and their duties; pro-

viding for the fiscal management of the district; providing for the construction of water and for soil conservation projects upon private property and limiting charges, liability and damages in connection therewith; limiting the Authority district to mortgage its properties, or to acquire property subject to mortgage or conditional sale, and providing for the pledging of the revenues of the district and limiting the sale of the properties of the district; providing for the donation and granting by the State of Texas to the district fifty (50%) per cent of the annual current State ad valorem taxes collected in Coleman County for a period of ten (10) years, beginning September 1, 1937; prescribing the manner and methods of collecting said taxes and the payment and disbursement thereof to the district; prescribing necessary details to carry out the intent and purpose of this Act; making an appropriation of Six Thousand (\$6,000.00) Dollars to the district; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 309 by striking out Section 4 thereof.

The amendment was adopted.

S. B. No. 309 then was passed to engrossment.

#### Senate Bill No. 309 on Third Reading.

Senator Davis moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 309 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Oneal
Head	Pace
Hill	Rawlings

Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Westerfeld
Spears	Winfield
Stone	Woodruff
	Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—1.

Hill

Absent—Excused.

Newton

#### House Bill No. 55 on Second Reading.

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 55, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes, so as to provide for the payment of salaries of the county board of trustees out of the State and county available school fund, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Lemens offered the following amendment to the bill:

Amend H. B. No. 55 by striking out all of line 34, page 1, including and following the word, "Each," and by striking out all of lines 35 to 40, inclusive.

The amendment was lost by the following vote:

Yeas—3.

Cotten	Van Zandt
Lemens	

Nays—25.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Weinert
Isbell	Westerfeld
Moore	Winfield
Neal	Woodruff
Oneal	

Absent.

Nelson	Shivers
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Absent—Excused.

Newton

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 55, page 1, line 37 by striking out the word "State" and insert the word "county."

Question—Shall the amendment be adopted?

On motion of Senator Hill, the bill was tabled subject to call.

#### Senate Bill No. 259 With House Amendments.

Senator Woodruff called up S. B. No. 259 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate and the House amendments were read.

Senator Woodruff moved that the Senate do not concur in the House amendments and that a free conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly the President Pro Tempore appointed the following committee on the part of the Senate:

Senators Woodruff, Davis, Holbrook, Collie and Van Zandt.

#### Report of Conference Committee on Senate Bill No. 193.

Senator Winfield submitted the following report of the Conference Committee on S. B. No. 193:

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and House on S. B. No. 193, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that S. B. No. 193 be adopted in form hereto attached.

Very respectfully,

WINFIELD,  
HEAD,  
STONE,  
SPEARS,  
WESTERFELD,

On the part of the Senate.

BRADFORD,  
FELTY,  
BRADBURY,  
TOLBERT,

On the part of the House.

By Senator Winfield. S. B. No. 193.

#### A BILL

to be entitled

An Act authorizing private corporations heretofore incorporated for the purpose of operating street or interurban railways which have heretofore abandoned such operations, to amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, provided however, this limit shall not be construed to prohibit any corporation conforming with this Act from contracting for chartered passenger service beyond said five mile limit, under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits thereof and by the Commissioners' Courts of counties as to operations outside of the limits of such cities and towns; providing that nothing in this Act shall be construed as affecting the Railroad

Commission's authority to continue regulation of buses and motor vehicles operating under its jurisdiction; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That private corporations heretofore incorporated for the purpose of operating street or interurban railways, which have heretofore abandoned such operations, may amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, provided, however, this limit shall not be construed to prohibit any corporation conforming with this Act from contracting for chartered passenger service beyond said five mile limit, under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits thereof and the Commissioners' Courts of counties as now prescribed by Article 6548.

Sec. 2. If the boundary of one city or town is contiguous with the boundary or boundaries of another city or town, or other cities or towns, the authority granted under Section 1, hereof to operate within five miles thereof, shall be construed to include any territory within five miles of the limits of any such contiguous city or town.

Sec. 3. Nothing in this Act shall be construed to deprive the Railroad Commission of Texas, of its exclusive authority to continue the regulation of buses and motor vehicles operating under its jurisdiction; nor shall this Act relieve such operators of the requirement to secure certificates or permits from the Railroad Commission authorizing such operations.

Sec. 4. Provided before any such amendment may be filed with the Secretary of State the officers and directors of any corporation shall file an affidavit with the Secretary of State giving a detailed itemized statement of what money and property is held or owned by it and the actual cash market value of each such term of property.

Sec. 5. The fact that the operation of street railways has been abandoned either in whole or in part by street and interurban railway companies, and on account of it being desirable that the public be furnished with some character of street transportation by motor vehicle or motor bus by companies heretofore engaged in the street transportation business creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and it is hereby suspended, and this Act shall take effect and be in full force and after its passage, and it is so enacted.

Senator Winfield moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Nays—1.

Oneal

Absent—Excused.

Newton

#### House Bill No. 127 on Second Reading.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 127, A bill to be entitled "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots and non compos mentis and to provide for the disposition of such funds so paid and to define the duties of the person

holding such funds, providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 127 on Third Reading.**

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21.

Beck	Rawlings
Brownlee	Redditt
Collie	Roberts
Davis	Small
Head	Spears
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	

Nays—9.

Aikin	Moore
Burns	Oneal
Cotten	Pace

Shivers  
Stone

Woodruff

Absent—Excused.

Newton

**Committee Substitute for House Bill No. 975 on Second Reading.**

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

C. S. for H. B. No. 975, A bill to be entitled "An Act making a supplemental appropriation out of the General Revenue of the State of Texas for the Department of Agriculture; for the Attorney General's Department; for the State Parks Board; for the State Service Officer; for the Department of Public Safety for the support and maintenance of the Bureau of Identification and Records and of the Intelligence Bureau of said Department; for the State Treasury Department; for the General Land Office; for the Crippled Children's Division of the State Department of Education; for the State Judiciary, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Westerfeld offered the following amendment to the bill:

Amend C. S. for H. B. No. 975 by adding a new section to be known as Section 9a, and to read as follows:

"For repairing, refurbishing and refurnishing all the offices, and the furniture and fixtures situated therein, assigned to the Supreme Court \$10,000.00."

And amend the caption accordingly.

The amendment was adopted.

C. S. for H. B. No. 975 was then passed to third reading.

**Committee Substitute for House Bill No. 975 on Third Reading.**

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 975 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25.

Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Hill	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

## Nays—2.

Aikin	Beck
	Absent.
Head	Nelson
Holbrook	
	Absent—Excused.
Newton	

(Senator Collie in the Chair.)

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—23.

Brownlee	Redditt
Burns	Roberts
Davis	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	

## Nays—5.

Aikin	Cotten
Beck	Hill
Collie	
	Absent.
Head	Woodruff
	Absent—Excused.
Newton	

## House Bill No. 216 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to

take up and have placed on its second reading and passage to third reading:

H. B. No. 216, A bill to be entitled "An Act to amend Articles 2503, 2504 and 2507, Title Forty-six, Revised Civil Statutes of Texas, 1925, having relation to the capital structure and interest charges of mutual loan corporations."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

## House Bill No. 216 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 216 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Absent—Excused.

Newton

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30.

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Oneal
Head	Pace
Hill	Rawlings

Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone

Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Absent—Excused.

Newton

**House Bill No. 774 on Second Reading.**

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 774, A bill to be entitled "An Act amending certain sections of S. B. No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to-wit: Sections 5, 8, 11, 12, 15, 16, 17, and 23; providing for the Public Safety Commission to appoint a director and an assistant director, whose salaries shall be fixed by the Legislature; providing for the director with the advice and consent of the Commission to appoint chiefs of the several bureaus; providing for Texas Ranger captains, headquarters sergeant, and privates; providing that the Texas Highway Patrol Division shall consist of the chief patrol officer, captains, sergeants, and privates as may be authorized by the Legislature, and such administrative and clerical help as determined by the Commission; providing for the director with the advice and consent of the Commission, to name the chief of the Bureau of Communications; etc., and creating an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 774 by adding a new section to be known as Section \_\_\_\_:

"Provided the 'director' appointed hereunder shall be confirmed by the Senate of Texas."

The amendment was adopted.

H. B. No. 774 then was passed to third reading.

**House Bill No. 774 on Third Reading.**

Senator Lemens moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 774 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—1.

Cotten

Absent—Excused.

Newton

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—1.

Cotten

Absent—Excused.

Newton

**House Bill No. 861 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular

order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 861, A bill to be entitled "An Act authorizing political subdivisions of the State of Texas to lease lands owned by such subdivisions for mineral development purposes and prescribing the method and manner of making such leases, and declaring an emergency."

On motion of Senator Neal and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The Presiding Officer laid the bill before the Senate and it was read second time.

On motion of Senator Neal the bill was tabled, subject to call.

#### House Bill No. 634 on Second Reading.

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 634, A bill to be entitled "An Act to amend Subdivision 38, of Article 19, Title 8, Revised Statutes of 1925, as amended by Act of the Forty-first Legislature at its Regular Session, page 125, Chapter 60, Sections 1, 2 and 3, and providing for changing and prescribing terms and times for holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under this Act; to repeal all laws and parts of laws in conflict herewith; and providing the time this Act shall take effect; and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Neal and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 634 on Third Reading.

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 634 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

#### House Bill No. 291 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular



order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 291, A bill to be entitled "An Act to amend Chapter 83, S. B. No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, by amending Section 4 of said Act by adding, at the end of such Section the following: 'Provided, that any person who has to his credit in any standard college or university of Texas as much as six (6) hours of Government, shall be deemed to have met the requirements of this Section,' and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 291 on Third Reading.**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 291 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Alkin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Alkin	Brownlee
Beck	Burns

Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Oneal	Winfield
Pace	Woodruff

Absent—Excused.

Newton

Senator Woodruff moved to reconsider the vote by which the bill was passed and asked to have the motion to reconsider spread upon the Journal.

**Senate Bill No. 477 on Second Reading.**

On motion of Senator Oneal, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 477, A bill to be entitled "An Act defining the term 'taxing unit,' and providing that in any suit brought by or in behalf of any taxing unit for delinquent taxes other taxing units having delinquent tax claims against the property may be impleaded or may intervene; and providing for the nature, character and contents of citation upon defendants, and service thereof; and providing for the adjudication of the reasonable fair value of the property; and providing for court costs, expenses of sale and expenses in producing necessary data and information for filing suits, etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Question—Shall the bill be passed to engrossment?

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—18.

Beck	Isbell
Brownlee	Lemens
Collie	Neal
Cotten	Nelson
Davis	Oneal

Pace	Small
Redditt	Van Zandt
Roberts	Westerfeld
Shivers	Woodruff

Nays—7.

Aikin	Moore
Burns	Weinert
Hill	Winfield
Holbrook	

Present—Not Voting.

Rawlings	Stone
Spears	Sulak

Absent.

Head

Absent—Excused.

Newton

**Senate Bill No. 477 on Third Reading.**

Senator Oneal moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Sulak
Hill	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff

Nays—4.

Holbrook	Moore
Isbell	Weinert

Present—Not Voting.

Spears	Stone
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Absent—Excused.

Newton

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21.

Beck	Rawlings
Brownlee	Redditt
Collie	Roberts
Davis	Small
Hill	Spears
Holbrook	Stone
Lemens	Sulak
Neal	Van Zandt
Nelson	Westerfeld
Oneal	Woodruff
Pace	

Nays—8.

Aikin	Moore
Burns	Shivers
Cotten	Weinert
Isbell	Winfield

Absent.

Head

Absent—Excused.

Newton

**Committee Substitute for House Bill No. 650 on Second Reading.**

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

C. S. for H. B. No. 650, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Pace and by unanimous consent Senate Rules 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**Committee Substitute for House Bill No. 650 on Third Reading.**

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be sus-

pendent and that C. S. for H. B. No. 650 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

(President Pro Tempore in the Chair.)

#### House Bill No. 291 on Final Passage.

Senator Woodruff called up, for consideration at this time, the motion to reconsider the vote by which H. B. No. 291 was passed today, which motion was previously spread upon the Journal.

The motion prevailed.

The President Pro Tempore laid the bill before the Senate, on its final passage.

Senator Woodruff offered the following amendment to the bill:

Amend H. B. No. 291 by adding at the end of Section 1 the following:

"Provided further, that after September 1, 1937, no student shall be certified for graduation from any tax supported State educational institution with the award of a college degree unless such student shall have completed theretofore in a standard college or university at least six (6) hours for credit in the governments of the State of Texas, or of the United States of America, or the equivalent in both.

The amendment was adopted unanimously.

H. B. No. 291 was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

#### House Bill No. 275 on Second Reading.

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 275, A bill to be entitled "An Act to provide for the repurchase of land located in Dallam and Hartley Counties heretofore set apart to build the Capitol of the State of Texas, that has been recovered by the State, and repurchased as provided by the laws of this State and forfeited or that is subject to being forfeited for nonpayment of

interest or principal accrued prior to the date of the passage of this Act, and giving a preference right to the owners of such lands or part thereof at any time within ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by Acts of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25, and providing that any owner or owners of such land may ask that such owner or owners land forfeited as provided by law whether the same is delinquent or not and that he be allowed to repurchase said land at the price placed thereon by a new appraisal; providing for reappraisalment of said land and further providing for the payment of taxes on said land, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, and it was read second time.

On motion of Senator Nelson, the bill was tabled subject to call.

**Senate Bill No. 311 on Second Reading.**

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 311, A bill to be entitled "An Act to amend Article 4860a-6 of Chapter 8a, Title 78, Revised Civil Statutes of Texas, 1925, relating to the kinds of insurance authorized to be written by mutual insurance companies and to provide that those companies organized under the provisions of Chapter 8a shall be authorized and empowered to write any kinds of insurance which may lawfully be written in this State, except life insurance; repealing all laws in conflict therewith, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Rawlings offered the following amendment to the bill:

Amend S. B. No. 311, page 1 of the printed bill, line 15, by striking out "8a" and inserting in lieu thereof the figure "9" and amend the caption to conform.

The amendment was adopted.

S. B. No. 311 was passed to engrossment.

**Senate Bill No. 311 on Third Reading.**

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 311 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—1.

Collie

Absent—Excused.

Newton

**Senate Bill No. 142 on Second Reading.**

On motion of Senator Redditt, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 142, A bill to be entitled "An Act amending Section 36 of H. B. No. 521 of the Regular Session of the Forty-fourth Legislature so as to appropriate all fees collected thereunder for the use of the Secretary of State in enforcing said bill, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 142 by adding the following in the proper place, to-wit: "The sum of \$3,000.00 is hereby appropriated for the balance of the fiscal biennium."

The amendment was adopted.

S. B. No. 142 was passed to engrossment.

**Senate Bill No. 142 on Third Reading.**

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 142 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

**House Bill No. 971 on Second Reading.**

On motion of Senator Roberts, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 971, A bill to be entitled "An Act repealing Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 971 on Third Reading.**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 971 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Moore	Small
Neal	Spears
Nelson	Stone
Oneal	Sulak
Pace	Van Zandt
Rawlings	Weinert
Redditt	Westerfeld
Roberts	Winfield
Shivers	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

#### Senate Bill No. 318 on Second Reading.

On motion of Senator Shivers, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 318, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State, providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers except during the period beginning May 15, and ending August 15 of each year, etc., and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Shivers offered the following amendment:

Amend S. B. No 318, at line 42, by inserting after the word "year" the following:

" , provided however that during said period shrimp trawls may be used in that portion of Galveston Bay lying East and South of a line extending from the extreme western point of Smith's Point in Chambers County to the extreme western point of Bolivar Peninsula in Galveston County."

The amendment was adopted.

S. B. No. 318 was passed to engrossment.

#### Senate Bill No. 318 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 318 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Davis	Small
Head	Spears
Hill	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Oneal	Woodruff

Nays—2.

Cotten Holbrook

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Collie
Beck	Davis
Brownlee	Head
Burns	Hill

Isbell	Shivers
Lemens	Small
Moore	Spears
Neal	Stone
Nelson	Sulak
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff

Nays—2.

Cotten                      Holbrook

Absent—Excused.

Newton

**Senate Bill No. 424 on Second Reading.**

On motion of Senator Spears, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 424, A bill to be entitled "An Act relating to the compensation of the county judge, sheriff, district attorney or criminal district attorney, as the case may be, the assessor and collector of taxes, county clerk, district clerk, and the county commissioners in all counties having a population in excess of two hundred thousand (200,000) inhabitants and also relating to the compensation of county auditors in all counties having a population in excess, etc., and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Spears offered the following amendments to the bill:

(1)

Amend S. B. No. 424 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. The County Judge, Sheriff, District Attorney, or Criminal District Attorney, as the case may be, County Clerk, District Clerk, and the Assessor and Collector of Taxes; in any county having a population of more than one hundred ninety thousand (190,000) inhabitants, and less than three hundred twenty-five thousand (325,000) inhabitants, according to the last preceeding, or future Federal Census, shall receive a salary of Seven Thousand Four Hun-

dred (\$7,400.00) Dollars per annum from the Officer's Salary Fund, or General Fund, as the case may be; and the \$7,400.00 salary shall include the compensation to the County Judge allowed in Senate Bill 186, 45th Legislature, Regular Session, Acts 1937; the compensation herein fixed for the Sheriff shall be exclusive of any reward received for the apprehension of criminal fugitives from justice, and reward received from the recovery of stolen property; and the per capital payments made by the state to the counties in lieu of felony fees formerly paid to the officers shall be apportioned by the Commissioner's Courts as follows: after paying the fees to precinct officers rendering service in felony cases, pay the District Clerk and the Sheriff the same amount each officer earned in felony fees during the year 1935, and the remaining balance shall be paid to the District Attorney or Criminal District Attorney, as the case may be; and in all such counties the County Auditor shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum, to be paid from the General Fund of the County, and the County Commissioners in such counties shall receive a salary of Forty-eight Hundred (\$4,800.00) Dollars annually, payable monthly from the road and bridge fund of such county.

Sec. 2. In all counties having a population in excess of one hundred ninety thousand (190,000) inhabitants, and less than three hundred twenty-five thousand (325,000) inhabitants, each district, county, and precinct officer, except the county treasurer and county commissioners, at the close of each fiscal year (December 31) shall make to the district court of such county a sworn statement in triplicate, on forms designed and approved by the county auditor, a copy of which statement shall be forwarded to the State Auditor by the clerk of the district court of said county within fifteen (15) days after the same has been filed in his office, and one copy shall be filed with the county auditor. Said report shall show the amount of fees, commissions, and compensations collected by him during the fiscal year and their disposal. Said report shall show the names of deputies and assistants employed by him during the year, the time served, and

the amount paid or to be paid each. Said report shall be filed not later than January fifteenth following the close of the fiscal year. For failure to file said report said officer shall be subject to removal from office. The county auditor shall audit such report, also any and all books authorized by Section "N" or any other section of this act daily, monthly, or annually that he shall deem necessary and shall file his report with the Commissioners' Court and file with the district or criminal district attorney a detailed report of all fees, commissions, and compensation collected by said officers and not reported by them; also list of cases filed since Jan. 1, 1936, in which any county or district clerk or justice of the peace has not taken adequate security for costs or required a pauper's oath.

It shall be the duty of the district or criminal district attorney to institute proceedings for the collection of such fees, commissions, and compensations collected by such officer and not reported, all of which are declared to be the property of the county and shall be deposited in the General Fund.

Sec. 3. It is hereby declared to be the intention of the Legislature that the provisions of this Section control in all things as to the counties affected hereby, and any and all laws in conflict herewith, are hereby expressly repealed to the extent of each conflict.

Sec. 4. The fact that officials enumerated in this Act of counties having a population in excess of one hundred ninety thousand (190,000) inhabitants, and less than three hundred twenty-five thousand (325,000) inhabitants, are now paid salaries not commensurate with their services and duties, and the fact that in counties that have, or will have in the future, such population, the enumerated officials have and/or will have to perform many more services and duties than in counties of lesser population, and the fact of the crowded condition of the calendar, create an emergency, and an imperative public necessity that the constitutional rule requiring that all Bills be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act take effect, and be in force and effect from

and after its passage and it is so enacted.

(2)

Amend S. B. No. 424 by striking out all above the enacting clause and insert in lieu thereof the following:

An Act relating to the compensation and annual report of the County Judge, Sheriff, District Attorney or Criminal District Attorney, as the case may be, the Assessor and Collector of Taxes, County Clerk, and District Clerk, in all counties having a population in excess of one hundred ninety thousand (190,000), and less than three hundred twenty-five thousand (325,000) inhabitants, according to the last preceding, or any future, Federal Census, and also relating to the compensation of County Auditors and County Commissioners in all such Counties; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency.

The amendments were adopted severally.

S. B. No. 424 was passed to engrossment.

#### Senate Bill No. 424 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 424 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton



The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

#### Senate Bill No. 494 on Second Reading.

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 494, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than twenty-five thousand three hundred forty-four and not more than twenty-five thousand four hundred forty-four people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to engrossment.

#### Senate Bill No. 494 on Third Reading.

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 494 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Nays—1.

Oneal

Absent—Excused.

Newton

#### House Bill No. 625 on Second Reading.

On motion of Senator Small and by unanimous consent, the regular

order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 625, A bill to be entitled "An Act amending Article 5449, 1925 Civil Statutes, as amended by Chapter 291, of the General Laws of the Regular Session of the Forty-fourth Legislature, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county, said lien to continue for four years from the date of such record and index, except that if during said four-year period the judgment becomes dormant said lien shall thereupon cease to exist, and so as to provide that the lien of any judgment so recorded and indexed prior to the effective date of this Act, if then valid, shall continue for four years from the effective date of this Act except that if during said four years the judgment becomes dormant said lien shall thereupon cease to exist, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 625 on Third Reading.**

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 625 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Alkin	Isbell
Beck	Lemens
Brownlee	Neal
Burns	Nelson
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers

Small	Weinert
Spears	Westerfeld
Stone	Winfield
Sulak	Woodruff
Van Zandt	

Nays—1.

Moore

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Alkin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—1.

Moore

Absent—Excused.

Newton

**Senate Bill No. 487 on Second Reading.**

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 487, A bill to be entitled "An Act amending Section Two (2) of H. B. No. Two Hundred Fifty-eight (258), passed by the present, the Forty-fifth (45th) Legislature of the State of Texas, which relates to the creation of a Firemen's Relief and Retirement Fund in the State of Texas, and which amendment exempts the premiums and assessments collected by county mutual in-

surance companies from the tax provided in the bill."

The President Pro Tempore laid the bill before the Senate, and it was read second time.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 487 by inserting above the caption the following: "A Bill to Be Entitled."

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill No. 487 on Third Reading.

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 487 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Lemens
Collie	Moore
Cotten	Neal
Davis	Nelson
Head	Oneal

Pace	Stone
Rawlings	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Westerfeld
Small	Winfield
Spears	Woodruff

Absent—Excused.

Newton

#### House Bill No. 938 on Second Reading.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 938, A bill to be entitled "An Act amending Article 3605, to provide for the appointment of a guardian for a non compus mentis interested in an estate subject to division; providing for appointment of a guardian ad litem and/or attorney to represent non-residents and unknown parties having an interest in said property, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 938 on Third Reading.

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 938 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

**Senate Bill No. 495 on Second Reading.**

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 495, A bill to be entitled "An Act authorizing the appointment of County Highway Patrolmen by the commissioners' courts of counties containing not less than eleven thousand nine hundred eighty (11,980) inhabitants, and not more than twelve thousand one hundred (12,100) inhabitants, according to the last preceding Federal Census; and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 495 on Third Reading.**

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 495 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

**Senate Bill No. 466 on Second Reading.**

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 466, A bill to be entitled "An Act to authorize the exclusion of certain territory from any fresh water supply district before the is-

suance of bonds and levy of taxes for said district, such territory shall be to the extent of at least ten (10) acres, and contiguous and adjoining the lines of such district; prescribing the method of procedure whereby such territory may be excluded; providing that an election may be held to approve the exclusion of such territory, in event petition therefor is presented by ten (10), or a majority, of the qualified voters, who own land in the district; providing that exclusion of such territory will result in cancellation of any unsold bonds of the district; providing that territory not embraced in a fresh water supply district may be annexed to such a district and prescribing the method of procedure, therefor; providing that the added territory shall bear its pro rata part of all indebtedness or taxes of the district to which it is annexed, pursuant to an election held throughout the enlarged district for that purpose; prescribing the method of holding elections authorized by this Act; providing that if any part of this Act be held unconstitutional, such decision shall not affect the validity of the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 466 on Third Reading.**

Senator Winfield moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 466 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Oneal
Head	Pace
Hill	Rawlings

Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone

Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Moore  
Neal  
Nelson

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Absent—Excused.

Newton

**House Bill No 1139 on Second Reading.**

Senator Westerfeld moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 1139 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—30.

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Moore  
Neal  
Nelson

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

**Absent—Excused.**

Newton

On motion of Senator Westerfeld, and by unanimous consent, Senate Rules No. 31a and No. 48 were suspended severally, to permit consideration of the bill at this time.

The President then laid before the Senate on its second reading and passage to engrossment:

H. B. No. 139, A bill to be entitled "An Act to create the Dallas County Levee Improvement District No. 14, etc., and declaring an emergency."

The Bill was read second time and was passed to third reading.

**House Bill No. 1139 on Third Reading.**

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

**Absent—Excused.**

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30.**

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Lemens
Collie	Moore
Cotten	Neal
Davis	Nelson
Head	Oneal

Pace	Stone
Rawlings	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Westerfeld
Small	Winfield
Spears	Woodruff

**Absent—Excused.**

Newton

**House Bill No. 772 on Second Reading.**

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 772, A bill to be entitled "An Act amending Section 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, being House Bill No. 31 and as amended by Chapter 346 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature, being House Bill 991; providing the method of disbursement of the funds of such fireman, policeman, and fire alarm operators pension fund, the section of said acts so amended hereinafter set out, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 772 on Third Reading.**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 772 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone

Sulak	Westerfeld
Van Zandt	Winfield
Weinert	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

#### House Bill No. 846 on Second Reading.

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 846, A bill to be entitled "An Act making it unlawful to take or kill by trap, snare or deadfall any fur bearing animals in Harrison County; providing certain exceptions; providing the length of this Act; describing a penalty and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 846 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 846 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Brownlee
Beck	Burns
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Oneal	Winfield
Pace	Woodruff

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Newton

#### Senate Bill No. 195 on Second Reading.

On motion of Senator Woodruff, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 195, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than Seventeen Thousand and not more than Twenty-one Thousand people, according to the last preceding Federal Census, where the pro-

ceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Oneal offered the following amendment to the bill:

Amend S. B. No. 195 by striking out the words "temporarily or."

The amendment was adopted.

S. B. No. 195 then was passed to engrossment.

#### Senate Bill No. 195 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—1.

Hill

Absent—Excused.

Newton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—17.

Aikin	Collie
Burns	Davis

Head	Roberts
Holbrook	Stone
Isbell	Sulak
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Pace	

Nays—12.

Beck	Rawlings
Brownlee	Redditt
Cotten	Shivers
Hill	Spears
Nelson	Van Zandt
Oneal	Weinert

Absent.

Small

Absent—Excused.

Newton

#### House Bill No. 259 on Second Reading.

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 259, A bill to be entitled "An Act amending Title 25, Article 911b, Section 6, of the Revised Statutes of the State of Texas, 1925 (Acts, 1929, Forty-first Legislature, page 698, Chapter 314, as amended by Acts, 1931, Forty-second Legislature, page 480, Chapter 277, Section 6), providing for the sale, lease, assignment, and/or transfer of permits owned or obtained under this section; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

On motion of Senator Rawlings, the bill was tabled subject to call.

Recess.

On motion of Senator Redditt, the Senate, at 10:40 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

##### Bills Filed in Department of State.

Austin, Texas, April 28, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed



by the Forty-fifth Legislature which were filed in this office Tuesday, April 27, 1937:

H. B. No. 584:

Vote in Senate, yeas 27, nays 3.

Vote in House, yeas 123, nays 0.

Date signed by the Governor, April 27, 1937.

H. C. R. No. 103:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, April 27, 1937.

H. C. R. No. 104:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, April 27, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,

Secretary of State.

By: M. S. SANDLIN,  
Assistant Secretary of State.

#### Reports of Standing Committees.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1048, A bill to be entitled "An Act granting the Commissioners' Court of Taylor County permission to pay out of the General Fund of said county bounties for the destruction of rabbits and ravens, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing, to whom was referred

H. B. No. 389, A bill to be entitled "An Act amending Title 14, Chapter 5 of the Revised Criminal Statutes of the State of Texas of 1925, as amended by Acts of the Regular Sessions of the Forty-first and Forty-second Legislatures of the State of Texas, by adding the following new Article, numbered as follows: Article

1037b, to regulate the packing and the marking of packages and containers; requiring the net quantity of contents of such packages and containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; defining certain terms; providing penalties for the enforcement of the Act; repealing House Bill No. 110, Chapter 53, Acts of the Third Called Session of the Thirty-eighth Legislature, and all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 496, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931, as amended by Chapter 24, Acts of the First Called Session of the 43rd Legislature, repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 499, A bill to be entitled "An Act amending Article 1, Chapter 467, Section 24 of the Acts of the Forty-fourth Legislature, 1935, Second Called Session, so as to extend

the provisions thereof to authorize cities to prohibit by their charters, the sale of liquors and beer in their residence sections, or any other part thereof and that same shall be valid and remain in force and effect until such time as the charter provisions may be repealed or amended; and by adding thereto a Section to be known as Section 24b; providing a penalty against all persons who shall sell liquors or beer in districts in cities in which the same has been prohibited; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 650, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns, including home rule cities, with a population of not less than 2,635 inhabitants and not more than 2,645 inhabitants, and in counties with a population of not less than 10,060 inhabitants and not more than 10,070 inhabitants, in the State of Texas, in the issuance of and sale of bonds; validating such bonds and the tax levies made for the payment of such bonds, providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute therefor do pass and be not printed.

HEAD, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. C. R. No. 33, have had the

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 439, A bill to be entitled "An Act creating Pecos Independent School District No. 1 in Reeves County, Texas; defining its boundaries; providing for a Board of Trustees therefor; vesting said District and said Board of Trustees thereof with such rights and duties as are vested in such school districts and such boards of trustees thereof; incorporated for free school purposes only under the General Laws of the State of Texas; providing for the disposition, management and control of funds now in the treasury to the credit of Common School Districts Nos. 5 and 7 respectively, of Reeves County, Texas, and of the independent school district known as the Pecos Independent School District, all of Reeves County, Texas; and providing for the collection of the taxes assessed for the current year by either of said districts and for the disposition of unpaid delinquent taxes due either of said districts, to-wit: Common School District No. 5, Common School District No. 7, and Pecos Independent School District. Further vesting in the said Pecos Independent School District No. 1 all right and properties belonging to said three districts, to-wit: Common School District No. 5, Common School District No. 7 and Pecos Independent School District. And further providing for the assessing and collecting of taxes in said old Pecos Independent School District for the purpose of paying interest on and creating a sinking fund to pay its outstanding bonds; and further providing for the election of trustees of said district, and for their terms of office and for the election of the successors to such trustees, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

COTTEN, Chairman.

## Committee Room,

Austin, Texas, April 27, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 912, A bill to be entitled "An Act amending Article 7249, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1934, Forty-third Legislature, Third Called Session, Page 86, Chapter 42, Section 1, by adding a Section providing that when the State and County Tax Collector is Tax Collector for an independent school district that his official bond given to the County shall include moneys collected for such independent school district, and that the amount of money to be collected for the independent school district shall be considered in arriving at the amount of bond to be given by said Tax Collector; providing that the independent school district shall pay its pro rata share of the premium for said bond; and providing for the method of collection on said bond, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 646, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 645, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

## Committee Room,

Austin, Texas, April 27, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 918, A bill to be entitled "An Act amending Article 3771 of Title 56, of the Revised Civil Statutes of Texas, 1925 Edition, by making an addition thereto providing for the withholding of execution after judgment in case of inability of the defendant to make superseas bond under certain conditions, and providing for motion and hearing before District or County Court to establish facts as to those conditions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 126,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 669,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STONE, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 473 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 474 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 158 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 1071,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 392, A bill to be entitled "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HEAD, Chairman.

## Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 1139, A bill to be entitled "An Act to create Dallas County Levee Improvement District No. 14, of Dallas County, Texas, embracing lands in the county of Dallas, Texas, and lying within the boundaries of

Dallas County Levee District No. 2, as a conservation and reclamation district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries; providing for board of supervisors thereof; authorizing the commissioners' court of Dallas County, Texas, to re-define the boundaries of Dallas County Levee District No. 2, so that the same will conform to the boundaries of the district hereby created; enacting provisions relative to bond debts outstanding against Dallas County Levee District No. 2, and providing for an adjustment of such bond debts between said Dallas County Levee District Number 2 and the said Dallas County Levee Improvement District No. 14, hereby created; providing for elections in respect to the adjustment of bond debts now outstanding against said Dallas County Levee District No. 2, a portion of which district will be included in the district hereby created; authorizing said Dallas County Levee District No. 2 and 14 to issue refunding bonds in lieu of said indebtedness; prescribing the powers that may be exercised by the district hereby created; providing that proof of publication of constitutional notice, as required in the enactment of this Act, has been duly made; enacting other provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HILL, Chairman.

## Committee Room,

Austin, Texas, April 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial District, to whom was referred

H. B. No. 634, A bill to be entitled "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Act of the Forty-first Legislature at its Regular Session, page 125, Chapter 60, Sections 1, 2, and 3; providing for changing and prescribing terms and times for holding the courts in the counties comprising the Thirty-eighth Judicial

District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under this Act; repealing all laws and parts of laws in conflict herewith; providing the time this Act shall take effect, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 52, Declaring March 18th New London School Memorial Day.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 297, A bill to be entitled "An Act amending Subsection (a) of Section 11 of H. B. No. 8, of the Third Called Session of the Forty-fourth Legislature enacted in 1935, providing certain limitations upon the allocation of funds for old age assistance, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, together with Committee Amendment No. 1 thereto.

PACE, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 663, A bill to be entitled

"An Act providing for the beginning of the terms of certain State and District offices of the State of Texas; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 7, A bill to be entitled "An Act creating a State Division of Public Welfare within the Board of Control of the State of Texas; defining certain words and phrases; providing that the Division of Public Welfare, its agents, representatives, and employees shall constitute the Division of Public Welfare within the Board of Control; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 385, A bill to be entitled "An Act authorizing Commissioners' Courts to employ a person skilled in tax matters to enforce or assist in the enforcement of the collection of delinquent taxes payable through the office of the Tax Assessors-Collectors, prescribing his duties, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 487, Amending Section Two of H. B. No. 258 passed by the 45th Legislature of the State of

Texas, so as to exempt the premiums or assessments collected by county mutual insurance companies from the tax provided in said bill, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

# **SIXTY-SEVENTH DAY—** **Continued.**

(Thursday, April 29, 1937)

The Senate met at 10 o'clock a. m. and was called to order by the President Pro Tempore.

## **Reports of Standing Committees.**

(By Unanimous Consent.)

Reports on Senate Bills Nos. 498, 499, 500, on House Bills Nos. 1052, 51, 1016, 610, 710, 260, 1074, 1065, 999, 1043, 1042, 1070, 1108, 410, 1064, 588, 1137, 1077, 1120 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

## **Message From the House.**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1065, A bill to be entitled "An Act to amend Section 12, S. B. No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

H. B. No. 1070, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, shoot or kill any wild pheasant in Smith County, Texas, for a period of three years; prescribing penalty for the violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1073, A bill to be entitled "An Act amending Article 5135, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

(With engrossed riders.)

H. B. No. 1074, A bill to be entitled "An Act to change and prescribe the time for holding District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such court to such changes, and make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand and petit jurors, and juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1075, A bill to be entitled "An Act amending Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, by adding thereto a new Section to be known as Article 3883 (c), fixing the maximum fee to be retained by the county clerk in counties containing a population of not less than 10,370 nor more than 10,475, according to the last preceding Federal Census, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1077, A bill to be entitled "An Act making it unlawful for any person or persons to take fish from the waters of Caddo Lake of the Counties of Harrison and Marion by use of a trot line on which hooks are less than three feet apart; providing a penalty, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1081, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Bell County for a period of two (2) years, providing a penalty, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1086, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the